HUSBAND AND WIFE — COMMUNITY PROPERTY — RIGHT OF WIFE TO SUE FOR INJURIES WHEN HUSBAND REFUSES TO JOIN. — A statute gave the husband the sole power of managing and disposing of community property and made him a necessary party in suits concerning the community when the couple are living together and the action is against a third party. (1915 REM. & BAL. WASH. CODE, §§ 5917, 181.) The wife brought an action for injuries to herself sustained through the alleged negligence of the defendant and joined her husband as a party defendant because he refused to join her in the action. The defendant demurred on the ground of defect of parties plaintiff. *Held*, that the demurrer be sustained. *Hynes* v. *Colman Dock Co. et al.*, 185 Pac. 617 (Wash.).

At common law, both husband and wife were necessary parties plaintiff in such a suit. *Pennsylvania R. Co.* v. *Goodenough*, 55 N. J. L. 577, 28 Atl. 3; *Long* v. *Morrison*, 14 Ind. 595. The husband alone, however, could effectually release the action. *Beach* v. *Beach*, 2 Hill (N. Y.), 260. A refusal on his part to sue, therefore, would, it seems, bar recovery. Under the community system, such a right of action is clearly a part of the community, since it is property acquired during coverture by neither gift, devise, nor inheritance. *Ezell* v. *Dodson*, 60 Tex. 331; *Hawkins* v. *Front St. Ry. Co.*, 3 Wash. 592, 28 Pac. 1021. As the sole active agent of the community, the husband is the only necessary party plaintiff. *Hawkins* v. *Front St. Ry. Co.*, *supra; Tell* v. *Gibson*, 66 Cal. 247, 5 Pac. 223. Whether the wife is even a proper party is in dispute. *T. C. R. Co.* v. *Burnett*, 61 Tex. 638; *Warner* v. *Steamer Uncle Sam*, 9 Cal. 697. See BALLINGER, PROPERTY RIGHTS OF HUSBAND AND WIFE UNDER THE COMMUNITY SYSTEM, §§ 180 *et seq.* However, the wife may sue alone if the husband has permanently abandoned her. *Baldwin* v. *Second St., etc. Ry. Co.*, 77 Cal. 390, 19 Pac. 644. Also, she may recover community goods wrongfully and wastefully disposed of by the husband. *Marston* v. *Rue*, 92 Wash. 129, 159 Pac. 111. Similarly, an unreasonable refusal on his part to institute a suit required in the interest of the community should eliminate him as a necessary party. Since the parties are in effect joint obligees, the husband's refusal to sue should not necessarily bar recovery. *Harris* v. *Swanson & Bro.*, 62 Ala. 299; *Cunningham* v. *Carpenter*, 10 Ala. 109. But since his refusal to join in the suit may be legitimate, the wife should establish its unreasonableness to escape the general rule. Accordingly, as this was not shown, or even alleged, in the principal case, her suit necessarily failed. *Ezell* v. *Dodson*, *supra*.

INDICTMENT AND INFORMATION — SUFFICIENCY OF ACCUSATION — NECESSITY OF ALLEGATION OF SPECIFIC INSTANCES OF PRACTICING WITHOUT A LICENSE. — The defendant was indicted under a New York statute making it a misdemeanor to practice medicine without a license. (PUBLIC HEALTH LAWS, § 161.) The indictment alleged the crime in the language of the statute, but contained no allegations of specific acts or names of persons whom the accused had treated. The defendant's demurrer was overruled and he appealed from a judgment of conviction. *Held*, that the indictment was defective. *People* v. *Devinny*, 125 N. E. 543 (N. Y.).

An indictment charging a statutory offense in the very words of the statute is sufficient, unless the statute itself is too general or fails to define the necessary elements of the crime. *Ledbetter* v. *United States*, 170 U. S. 606; *State* v. *Munsey*, 114 Me. 408, 96 Atl. 729. Thus, if the crime is a continuous one, a general allegation in the words of the statute is enough. *Donovan* v. *State*, 170 Ind. 123, 83 N. E. 744; *Commonwealth* v. *Pray*, 30 Mass. 359. But where the crime may consist of a single unlawful act, as the sale of liquor without a license, some courts require the name of the buyer as a necessary particular. *Fletcher* v. *State*, 2 Okla. Cr. 300, 101 Pac. 599; *State* v. *Delancey*, 76 N. J. L. 462, 69 Atl. 958. Such a rule is necessary, they urge, to enable the accused to